

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 163

94TH GENERAL ASSEMBLY

2007

0605L.04T

AN ACT

To repeal sections 477.650, 485.077, and 488.2250, RSMo, and to enact in lieu thereof three new sections relating to legal services, with an expiration date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 477.650, 485.077, and 488.2250, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 477.650,
3 485.077, and 488.2250, to read as follows:

477.650. 1. There is hereby created in the state treasury the "Basic Civil
2 Legal Services Fund", to be administered by, or under the direction of, the
3 Missouri supreme court. All moneys collected [pursuant to] **under** section
4 488.031, RSMo, shall be credited to the fund. In addition to the court filing
5 surcharges, funds from other public or private sources also may be deposited into
6 the fund and all earnings of the fund shall be credited to the fund. The purpose
7 of this section is to increase the funding available for basic civil legal services to
8 eligible low-income persons as such persons are defined by the Federal Legal
9 [Services' Corporation] **Services Corporation's** Income Eligibility Guidelines.

10 2. Funds in the basic civil legal services fund shall be allocated annually
11 and expended to provide legal representation to eligible low-income persons in the
12 state in civil matters. Moneys, funds, or payments paid to the credit of the basic
13 civil legal services fund shall, at least as often as annually, be distributed to the
14 legal services organizations in this state which qualify for [federal legal services
15 corporation] **Federal Legal Services Corporation** funding. The funds so
16 distributed shall be used by legal services organizations in this state solely to
17 provide legal services to eligible low-income persons as such persons are defined

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 by the Federal Legal [Services' Corporation] **Services Corporation's** Income
19 Eligibility Guidelines. Fund money shall be subject to all restrictions imposed
20 on such legal services organizations by law. Funds shall be allocated to the
21 programs according to the funding formula employed by the [legal services
22 corporation] **Federal Legal Services Corporation** for the distribution of funds
23 to this state. Notwithstanding the provisions of section 33.080, RSMo, any
24 balance remaining in the basic civil legal services fund at the end of any year
25 shall not be transferred to the state's general revenue fund. Moneys in the basic
26 civil legal services fund shall not be used to pay any portion of a refund mandated
27 by article X, section 15 of the Missouri Constitution. **State legal services**
28 **programs shall represent individuals to secure lawful state benefits,**
29 **but shall not sue the state, its agencies, or its officials, with any state**
30 **funds.**

31 **3. Contracts for services with state legal services programs shall**
32 **provide eligible low-income Missouri citizens with equal access to the**
33 **civil justice system, with a high priority on families and children,**
34 **domestic violence, the elderly, and qualification for benefits under the**
35 **Social Security Act. State legal services programs shall abide by all**
36 **restrictions, requirements, and regulations of the Legal Services**
37 **Corporation regarding their cases.**

38 [3.] 4. The Missouri supreme court, or a person or organization
39 designated by the court, is the administrator and shall administer the fund in
40 such manner as determined by the Missouri supreme court, including in
41 accordance with any rules and policies adopted by the Missouri supreme court for
42 such purpose. Moneys from the fund shall be used to pay for the collection of the
43 fee and the implementation and administration of the fund.

44 [4.] 5. Each recipient of funds from the basic civil legal services fund
45 shall maintain appropriate records accounting for the receipt and expenditure of
46 all funds distributed and received pursuant to this section. These records must
47 be maintained for a period of five years from the close of the fiscal year in which
48 such funds are distributed or received or until audited, whichever is sooner. All
49 funds distributed or received pursuant to this section are subject to audit by the
50 Missouri supreme court or the state auditor.

51 [5.] 6. The Missouri supreme court, or a person or organization
52 designated by the court, shall, by January thirty-first of each year, report to the
53 general assembly on the moneys collected and disbursed pursuant to this section
54 and section 488.031, RSMo, by judicial circuit.

55 **7. The provisions of this section shall expire on December 31,**
56 **2012.**

485.077. 1. No judge of any court in this state shall appoint an official
2 court reporter who is not a court reporter certified by the board of certified court
3 reporter examiners, as provided in Supreme Court Rule 14. In the absence of an
4 official court reporter due to illness, physical incapacity, death, dismissal or
5 resignation, a judge may appoint a temporary court reporter, but such temporary
6 court reporter shall not serve more than six months without obtaining a
7 certificate pursuant to the provisions of Supreme Court Rule 14.

8 2. No testimony taken in this state by deposition shall be given in any
9 court in this state, and no record on appeal from an administrative agency of this
10 state shall include testimony taken in this state by deposition, unless the
11 deposition is prepared and certified by a certified court reporter, except as
12 provided in Supreme Court Rule 57.03(c).

13 3. Deposition testimony taken outside the state shall be deemed to be in
14 conformity with this section if the testimony was prepared and certified by a
15 court reporter authorized to prepare and certify deposition testimony in the
16 jurisdiction in which the testimony was taken.

17 4. This section shall not apply to depositions taken in this state in
18 connection with cases not pending in a Missouri state court or administrative
19 agency at the time the deposition was taken.

20 **5. A deposition prepared by a person who is not a certified court**
21 **reporter may be used to give testimony in any court in this state under**
22 **the following circumstances:**

23 **(1) All parties must consent in writing to using an uncertified**
24 **court reporter prior to the deposition. Such consent shall be filed as**
25 **a memo with the court no later than seven days prior to the date of the**
26 **deposition unless the time is shortened by the court;**

27 **(2) All parties involved in any cause of action wherein the**
28 **deposition is to be used certify by their signatures or by the signatures**
29 **of their attorneys that such deposition is a true and correct copy of the**
30 **testimony given;**

31 **(3) The uncertified court reporter shall state on the record that**
32 **he or she is an uncertified court reporter appearing by consent of the**
33 **parties;**

34 **(4) The uncertified court reporter shall keep a voice recording**
35 **of the deposition for two years. Upon written request by a party, a**
36 **copy of the voice recording shall be provided to the requesting party**
37 **within fourteen days;**

38 **(5) The uncertified court reporter shall have made application**
39 **for the certified court reporter examination and shall have paid all**

40 **required application fees;**

41 **(6) The notice of deposition shall contain a statement that an**
42 **uncertified court reporter will be used. Such statement shall be in bold**
43 **fourteen type face on the notice; and**

44 **(7) An uncertified court reporter granted privileges under this**
45 **subsection shall be deemed operating under a temporary certificate.**

46 **6. The provisions of subsection 5 of this section shall expire on**
47 **December 31, 2012.**

488.2250. For all transcripts of testimony given or proceedings had in any
2 circuit court, the court reporter shall receive the sum of [one dollar and fifty
3 cents] **two dollars** per twenty-five line page for the original of the transcript,
4 and the sum of thirty-five cents per twenty-five line page for each carbon copy
5 thereof; the page to be approximately eight and one-half inches by eleven inches
6 in size, with left-hand margin of approximately one and one-half inches and the
7 right-hand margin of approximately one-half inch; answer to follow question on
8 same line when feasible; such page to be designated as a legal page. Any judge,
9 in his **or her** discretion, may order a transcript of all or any part of the evidence
10 or oral proceedings, and the court reporter's fees for making the same shall be
11 paid by the state upon a voucher approved by the court, and taxed against the
12 state. In criminal cases where an appeal is taken by the defendant, and it
13 appears to the satisfaction of the court that the defendant is unable to pay the
14 costs of the transcript for the purpose of perfecting the appeal, the court shall
15 order the court reporter to furnish three transcripts in duplication of the notes
16 of the evidence, for the original of which [he] **the court reporter** shall receive
17 [one dollar and fifty cents] **two dollars** per legal page and for the copies twenty
18 cents per page. The payment of court reporter's fees provided in this section shall
19 be made by the state upon a voucher approved by the court.

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